LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS

54111 BROUGHTON ROAD MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN

DEAN AUSILIO, VICE-CHAIRMAN MICHAEL D. KOEHS, SECRETARY

MEMBERS: JOA PENZIEN

CHARLES OLIVER ARNOLD THOEL DEBORAH ZOLNOSKI

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Township Attorney

Jerome R. Schmeiser, Community Planning Consultant

(Additional attendance on file with Clerk)

Call Meeting to Order.

Chairman GALLAGHER called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call.

Clerk KOEHS called the roll. All members present.

2. Approval of the Agenda Items (with corrections)

MOTION by PENZIEN seconded by AUSILIO to approve the agenda as amended.

MOTION carried.

3. Approval of the August 2, 2005 previous Meeting Minutes

MOTION by OLIVER seconded by THOEL to approve the August 2, 2005 previous Meeting Minutes.

MOTION carried.

AGENDA ITEMS:

4. Rezoning; Residential, One Family Suburban (R-1-S) to Residential, One Family Urban (R-1); Located on the south side of 23 Mile Road, approximately ½ mile west of North Avenue; RCM Land Company, LLC, Petitioner. Permanent Parcel Nos. 08-23-201-004, 08-23-251-002 and 08-23-251-003. (Tabled at the July 19, 2005 Planning Commission Meeting)

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Greg Windingland

Public Portion: Adjacent property owners expressed their concerns relating to the current location of the river on the proposal and proposed western portion 80' public road.

MOTION by OLIVER seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the rezoning request from Rezoning; Residential, One Family Suburban (R-1-S) to Residential, One Family Urban (R-1); Permanent Parcel Nos. 08-23-201-004, 08-23-251-002 and 08-23-251-003. This motion is pursuant to the Planning Consultant recommendations as follows:

It is recommended that the rezoning of subject property from R-1-S to R-1 be approved. That subject property which was created as a result of a consent judgment now conforms with Township regulations with respect to development for R-1 purposes, i.e. 3 units per acre or less. Subject property is provided with access to public roads thru one existing residential development by way of Cranberry Creek Drive, and one direct access to North Avenue. Therefore, subject property meets development objectives of the Master Plan as well as development patterns within the immediate area.

MOTION carried.

5. Extension of Time; Site Plan (Expires July 15, 2005); BP Gas Station; Located on the northeast corner of Hall Road and Hayes Road; Thomas Kellogg, Petitioner. Permanent Parcel No. 08-31-300-031. (Tabled at the August 2, 2005 Planning Commission Meeting)

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for denial. Further that the Township Supervisor has been informed of this request and also recommends denial.

Petitioner Present: Bill Thompson and Athir Saco

Public Portion: None

MOTION by KOEHS seconded by AUSILIO to follow the recommendation of the Community Planning Consultant and deny the Extension of Time; Site Plan (Expires July 15, 2005); BP Gas Station; Permanent Parcel No. 08-31-300-031.

MOTION carried.

6. **Tentative Preliminary Plat; Macomb Technology Park;** Located on the south side of 23 Mile Road, approximately ½ mile west of Romeo Plank Road; Sims Road, LLC, Petitioner. Permanent Parcel No. 08-20-100-018.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for denial.

Petitioner Present: Bob Kirk and Jeff Rizzo

Public Portion: None

The Members of the Board held further discussion with the petitioners regarding issues with the proposed landscape plan for Nachi. After due consideration Mr. Rizzo requested to table the matter

MOTION by AUSILIO seconded by THOEL to accept the petitioners request and table indefinitely the Tentative Preliminary Plat Request for Macomb Technology Park; Permanent Parcel No. 08-20-100-018.

MOTION carried.

7. **Final Preliminary Plat; Clearstone Subdivision;** Located on the southwest corner of 26 Mile and Luchtman Roads; Salvatore DiMercurio & Frank Karam, Petitioners. Permanent Parcel No. 08-05-200-011.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Bill Thompson and Frank Karam

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; Clearstone Subdivision; Permanent Parcel No. 08-05-200-011. This motion is subject to the Planning Consultants recommendations as follows:

- 1. The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulation.
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department
 - d. Macomb County Planning Commission
 - e. Michigan Department of Environmental Quality
 - f. All public utility companies affected.
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying to the plat to any public street be installed by the petitioner.
- 2. The Township Engineer approves all engineering plans for the computed plat.
- 3. That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
- 4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.
- 5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.
- 6. Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
- 7. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.
- 8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.

9. That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.

It is noted that in the development of the landscape easement, that no stones (a cobblestone measuring 3-8" in diameter is permitted) or loose materials are allowed to within 3 feet of any paved areas.

- 10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
- 11. All street names are cleared by the Township Supervisor for purposes of continuity as part of the application for the tentative preliminary plat. Any changes in street names must be authorized by the Supervisor prior to the acceptance of an application for Final Plat. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
- 12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.
- 13. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
- 14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.
- 15. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the

corresponding SAD for lamp charges. The items must be completed prior to the Developer applying for approval of the Final Plat.

- 16. That the petitioner understands that if the property(ies) involved in this application are not yet split or combines into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.
- 17. The landscape plan be revised eliminating the word "seeded" from the plan.

MOTION carried.

8. **Rezoning; Agricultural (AG) to Light Industrial (M1);** Located on the south side of 23 Mile, approximately 1052 feet east of future Garfield Road; Mark Rathbone, Petitioner. Permanent Parcel No. 08-20-100-012.

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed agenda item nos. 8, 9 & 10 and the recommendations for approval.

Petitioner Present: Mary Nelson

Public Portion: None

MOTION by KOEHS seconded by THOEL to forward the recommendation to the Township Board of Trustees to approve the rezoning request from Agricultural (AG) to Light Industrial (M1); Permanent Parcel No. 08-20-100-012. The Planning Commission approved the contractual rezoning agreement conditioned upon the agreement being negotiated by the Township attorneys, approved by the Township Board and signed by the Township Supervisor. This motion is subject to the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is consistent with the goals of the Master Plan.
- 2. The proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried.

9. **Rezoning; Heavy Industrial (M2) to Light Industrial (M1);** Located on the southeast corner of 23 Mile Road and Corporate Drive; Mark Rathbone, Petitioner. Permanent Parcel No. 08-20-103-001.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Mary Nelson

Public Portion: None

MOTION by KOEHS seconded by THOEL to forward the recommendation to the Township Board of Trustees Rezoning; Heavy Industrial (M2) to Light Industrial (M1); Permanent Parcel No. 08-20-103-001. The Planning Commission approved the contractual rezoning agreement conditioned upon the agreement being negotiated by the Township attorneys, approved by the Township Board and signed by the Township Supervisor. This motion is subject to the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is consistent with the goals of the Master Plan.
- 2. The proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried.

10. **Rezoning; Heavy Industrial (M2) to Light Industrial (M1);** Located on the west side of Corporate Drive, approximately 300 feet south of 23 Mile Road; Mark Rathbone, Petitioner. Permanent Parcel No. 08-20-103-002.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Mary Nelson

Public Portion: None

MOTION by KOEHS seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the rezoning request from Rezoning; Heavy Industrial (M2) to Light Industrial (M1); Located on the west side of Corporate Drive, approximately 300 feet south of 23 Mile Road; Mark Rathbone, Petitioner. Permanent Parcel No. 08-20-103-002. The Planning Commission approved the contractual rezoning agreement conditioned upon the agreement being negotiated by the Township attorneys, approved by the Township Board and

signed by the Township Supervisor. This motion is subject to the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is consistent with the goals of the Master Plan.
- 2. The proposed rezoning is consistent with the development of the surrounding properties.

MOTION carried

11. **Technical Change to Site Plan; American Heartland Building II;** Located on the northwest corner of Hall and Deneweth Roads; RCM Properties, Petitioner. Permanent Parcel No. 08-35-454-010.

MOTION by KOEHS seconded by AUSILIO to table indefinitely at the direction of the Township Attorney the Technical Change to Site Plan Request; American Heartland Building II; Permanent Parcel No. 08-35-454-010.

MOTION carried.

12. **Final Plan; Strathmore Site Condominium Subdivision, Phase II;** Located on the south side of 26 Mile, approximately ½ mile east of Luchtman Road; Pulte Homes, Petitioner. Permanent Parcel No. 08-04-100-035.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: John Thompson

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Final Plan; Strathmore Site Condominium Subdivision, Phase II; Permanent Parcel No. 08-04-100-035. This motion is subject to the Planning Consultants recommendations as follows:

- 1. The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department

- d. Macomb County Planning Commission
- e. Michigan Department of Environmental Quality
- f. All public utility companies affected.
- g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.
- 2. The Township Engineer approves all engineering plans for the computed plan.
- 3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD be approved by the Township Board.
- 4 Further, that the Township Engineer be satisfied that those conditions imposed as part of the Preliminary Plan have been incorporated into the Final Plan
- 5. That all lots within the Final Plan meet the requirements of the Township Zoning Ordinance.
- 6. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood palin map prior to the issuance of any building permits.
- 7. That all public street drain crossings with the boundaries of the Final Plan shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145 (10) of the Macomb Township Code.
- 8 That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
- 9. That the "landscape easement"; that area labeled on the plan as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.

- 10. That the final plan approval expires two years form the date of Township board approval. It is not the responsibility of Macomb Township to notify the petitioner to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
- 11. All street names be cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits 2 copies of the plat to the Supervisors office for addressing. Addresses will be assigned after final preliminary plat approval by the Township Board.
- 12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are t be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.
- 13. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the corresponding SAD for lamp charges. These items must be completed prior to the Developer applying for approval of the Final Plan.
- 14. That the MDEQ Permit No. 03-50-0192-P allows for the full use of lots 191, 192, 211, 212, 217, 218, 219 and 220 and that no part of any of said lots are encumbered by regulated wetlands.
- 15. That revised drawings be submitted showing that lots 211 and 212 do not encroach into the wetlands.

MOTION carried.

13. **Special Land Use; Scottsdale Dry-cleaning;** Located in the Romeo Plank Crossing at the southeast corner of 23 Mile and Romeo Plank Roads; Josh Milson, Petitioner. Permanent Parcel No. 08-20-200-046.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and stated, "It is recommended that a special land use permit be granted if the following conditions can be met by the petitioner":

- 1. Such use shall be limited to personal service serving customers of the specific establishment only and shall not be used to service other pickup stations.
- 2. The operation and all materials and processes used in the dry cleaning business shall be non-flammable and shall be conducted in accordance with all applicable statutes,

rules, and regulations and standards established by any federal state, or local government authority.

- 3. That because single family residential is planned within 600' to the east of the property in question, that the door along the east elevation of the building be used as a fire access only and closed at all other times to prevent sounds from the cleaning operation being heard in the residential areas within 600'. The floor plan clearly indicates that the "receiving area" is in the front of the store unit.
- 4. There should be no pickup vans, trucks, either coming or going from the site as indicated above, this condition is based upon walk-in customer trade only.

Special Land Use Recommendation:

It is recommended that if the above conditions can be met, that the special land use permit be approved for a dry cleaning plant as recommended above in items 1 through 4. Since the proposed use complies with the standards set forth in Section 10.2401(B)(5)(a). This recommendation is also pursuant to the standard conditions as they relate to this proposal.

Petitioner Present: Josh Milson

Public Portion: None

MOTION by KOEHS seconded by THOEL to approve the Special Land Use; Scottsdale Dry-cleaning conditioned on the following: The hours of operation are limited to 6:30 a.m. to 7:00 p.m., Monday though Sunday. All pick-up deliveries are limited to the use of the back, rear door of the building. Revised plans prepared by a registered architect be submitted showing an interior wall to be constructed between the boiler room and the north wall and installed with spring loading doors. This motion is pursuant to the terms and conditions of the special land use permit. Failure to comply with the approved site plan or a violation of the terms and conditions of the special land use permit shall cause the Township of Macomb to revoke the special land use permit. Permanent Parcel No. 08-20-200-046. This motion is subject to the Planning Consultants recommendations as follows:

- 1. The proposed special land use for a dry cleaning facility is of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.
- 2. The dry cleaning facility appears to be of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections,

adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.

- 3. The dry cleaning facility would be designed, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to eliminate any possible nuisance emanating therefrom which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.
- 4. The dry cleaning facility is such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.
- 1. The dry cleaning facility should relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
- 2. The dry cleaning facility is necessary for the public convenience at the proposed location.
- 3. The dry cleaning facility is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.
- 4. The dry cleaning facility should not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.
- 5. That the hours of operation are from 6:30 a.m. to 7:00 p.m. Monday through Sunday.
- 6. That the pick up and delivery vans be limited to accessing the store from the rear entrance.
- 7. That an interior wall be constructed between the boiler room and north wall and installed with spring-loaded swing doors. The revised floor plans shall be prepared by a registered architect showing the wall.

Furthermore, that revised floor plans be prepared by a registered architect showing the wall.

The Macomb Township Planning Commission attached the following conditions to the special land use approval:

- 1. The hours of operation are limited to 6:30 a.m. to 7:00 p.m., Monday though Sunday.
- 2. Pick up and delivery cans shall access the store from the rear entrance.
- 3. An interior wall must be constructed between the boiler room and the north wall and installed with spring-loaded swing doors. The revised floor plans shall be prepared by a registered architect showing the wall.
- 4. The operation and all materials and processes used in the dry cleaning business shall be non-flammable and shall be conducted in accordance with all applicable statues, rules, and regulations and standards established by any federal stated, or local government authority.

Failure to comply with the approved site plan or a violation of the terms and conditions of the special land use permit shall cause the Township of Macomb to revoke the special land use permit.

MOTION carried.

OLD BUSINESS:

14. The Township Board of Trustees at their meeting of July 27, 2005 directed the Planning Commission to review and comment on the Township Zoning Ordinance requirements relating to cellular towers and the restrictions on the number of building cabinet structures per site.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the information.

Informational only

15. The Township Board of Trustees at their meeting of July 27, 2005 directed the Planning Commission to review and comment on the Township Zoning Ordinance requirements relating to the height of residential structures.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the information.

Informational only

NEW BUSINESS:

16. **Technical Change to Site Plan; Hall Road Office Buildings;** Located on the north side of Hall Road, approximately ½ mile west of Romeo Plank Road; Dr. Russell Craig, Petitioner. Permanent Parcel No. 08-32-400-013.

This matter was tabled indefinitely at the petitioner's written request.

PLANNING CONSULTANTS COMMENTS: None

PLANNING COMMISSION COMMENTS: None

17. Motion to receive and file all correspondence in connection with this agenda

MOTION by THOEL seconded by AUSILIO to receive and file all correspondence in connection with this agenda.

MOTION carried.

ADJOURNMENT:

MOTION by PENZEIN seconded by KOEHS to adjourn the meeting at 9:22 p.m.

MOTION carried.

Respectfully submitted,
Edward Gallagher, Chairman
Michael D. Koehs, CMC Macomb Township Clerk MDK/gmh